



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

JOHN J. GARRETT,
Plaintiff,

vs.

HENRY MCMASTER, as successor to
Charles M. Condon, Attorney General for the
State of South Carolina, DEAN CAMPBELL,
individually, and in his official capacity, and
PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY,
Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 7:07-2952-HFF-WMC

ORDER

This case was filed as a E.R.I.S.A. action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendant Provident's motion for summary judgment be granted, Plaintiff's motion for summary judgment be denied, and all remaining motions be rendered moot. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 4, 2008, and the Clerk of Court entered Plaintiff's objections to the Report on March 12, 2008. The Court has reviewed the objections, but finds them to be without merit, except that the Court agrees that it should not render as moot Plaintiff's motion for joinder of parties and claims at this time.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein-- *except that Plaintiff's motion for joinder of parties and claims will not be rendered as moot at this time.* Therefore, it is the judgment of this Court that Defendant Provident's motion for summary judgment be **GRANTED** and Plaintiff's motion for summary judgment be **DENIED**.

IT IS SO ORDERED.

Signed this 12th day of March, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.